

URGENT ACTION

ONE MINING ACTIVIST SHOT, ANOTHER THREATENED

On 7 July, a Guatemalan human rights defender campaigning against mining in her Indigenous community was shot. Another activist campaigning locally against mining has been threatened.

Deodora Hernández is a grassroots activist who has protested against the allegedly negative effects of mining in her local Indigenous community in Ágel, San Miguel Ixtahuacán municipality, San Marcos department, in south-western Guatemala. She has also spoken out to defend her community's right to water amidst fears that mining operations have affected the local water supply. On 7 July, she was shot at close range in her own home. At around 7 pm, two unknown men entered her home asking for lodging for the night. A relative of Deodora Hernández replied that they couldn't stay, but sold them two cups of coffee. When Deodora Hernández entered the room with the coffee, one of the men shot her in the right eye. Both men then ran off. Deodora Hernández survived but was seriously wounded.

On 16 June, the UN Special Rapporteur on the situation of human rights and fundamental freedoms of Indigenous People visited the municipality of San Miguel Ixtahuacán, to investigate whether the Indigenous communities had been adequately consulted about the establishment of the mining operation there. On 12 and 15 June, **Carmen Mejía**, another activist campaigning against the alleged impacts of the mining on local people's human rights, received a number of threatening text messages, saying that she shouldn't defend human rights and that she would be killed. During the Special Rapporteur's visit, Carmen Mejía spoke in a public meeting with him about the human rights that the mine is allegedly violating. On 18 June, Carmen Mejía received a further threatening text message.

The 18 Indigenous Mayan communities in the municipalities of San Miguel Ixtahuacán and Sipacapa, San Marcos department, should already be under protection, because on 20 May 2010, the Inter-American Commission on Human Rights (IACHR) granted them precautionary protective measures. The IACHR requested that the Guatemalan government take measures to safeguard their lives and safety and suspend operation of the Marlin mine, owned by Montana Exploradora de Guatemala, S.A., a wholly-owned subsidiary of Goldcorp.

PLEASE WRITE IMMEDIATELY in Spanish or your own language:

- calling for an independent, thorough and impartial investigation into the shooting of Deodora Hernández and the threats against Carmen Mejía, with the results made public and those responsible brought to justice;
- urging that the authorities take immediate steps to provide appropriate protection to members of the 18 Mayan communities who were granted protective measures by the Inter-American Commission on Human Rights, and to activists working on alleged human rights violations as a result of mining operations in the area;
- pressing the authorities to urgently establish local offices in the municipality of San Miguel Ixtahuacán of the Presidential Commission on Human Rights (Comisión Presidencial coordinadora de la Política del Ejecutivo en materia de Derechos Humanos COPREDEH), which works to resolve conflicts and promote respect for human rights.

PLEASE SEND APPEALS BEFORE 1 SEPTEMBER 2010 TO:

President of the Presidential
Commission on Human Rights

Ruth del Valle Cobar
Presidenta de COPREDEH
2 Av. 10-50 Zona 9,
Ciudad de Guatemala, Guatemala,
C.A. 01009
Fax: +502 2334-0119

**Salutation: Dear Presidenta
/Estimada Sra. Presidenta**

Minister of the Interior

Lic. Carlos Menocal
Ministro de Gobernación
6ª Avenida 13-71, Zona 1,
Ciudad de Guatemala, GUATEMALA
Fax: +502 2413 8658

**Salutation: Dear Minister /
Estimado Sr. Ministro**

Attorney General

Licda. Maria Encarnación Mejía García
de Contreras
Fiscal General de la República
15ª Avenida 15-16, Zona 1, Barrio
Gerona
Ciudad de Guatemala, GUATEMALA
Fax: +502 2411 9124

**Salutation: Dear Attorney General /
Estimada Sra. Fiscal General**

Also send copies to diplomatic representatives accredited to your country. Check with your section office if sending appeals after the above date.

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ADDITIONAL INFORMATION

The request for precautionary measures from the Inter-American Commission on Human Rights (IACHR) on 20 May 2010 asked that the Guatemalan government suspend operation of the Marlin mine, owned by Montana Exploradora de Guatemala, S.A., a wholly-owned subsidiary of Goldcorp, and implement measures to prevent environmental contamination until the IACHR reaches a final decision on the petition presented by the communities to the IACHR. The IACHR also requested that the Guatemalan government take any necessary measures to guarantee the life and physical integrity of the members of the 18 Indigenous communities.

The UN Special Rapporteur on the situation of human rights and fundamental freedoms of Indigenous People visited Guatemala from 14-18 June 2010 in order to analyze the application of the principles of consultation with Indigenous Peoples in Guatemala, in particular with relation to extractive industries, and with a special focus on the situation of Indigenous Peoples living near to the mining operations in San Miguel Ixtahuacán and Sipacapa. At the end of his visit, the Special Rapporteur stated that he had received allegations that on many occasions the Guatemalan government had granted licenses for the exploitation of natural resources in Indigenous territories without the necessary consultations with local Indigenous Peoples. He added that he had received testimonies alleging that there had been harassment and attacks against community leaders, and that the testimonies imply that the security forces and private companies could be behind such incidents.

On 23 June, the Guatemalan government announced that they would comply with the IACHR request to suspend the mining company's operations, but added the next day that this would take some time as legal and administrative processes would have to be followed. The mining company's operations continue to date.

The defence of human rights is a legitimate activity, fundamental for the advancement of human rights for all. The authorities in Guatemala have demonstrated an unjustified delay in adopting and implementing a Programme of Protection for human rights defenders at risk and a Protocol of Investigation for cases of abuses against them. It is essential that the Guatemalan authorities take seriously their responsibility to ensure that human rights defenders are effectively protected so that they can carry out their work safely and free from fear, as established in the Declaration on Human Rights Defenders adopted by the Organization of the United Nations in 1998. (see: Public Statement Index Number: AMR 34/005/2010 and open letter to the President of Guatemala Index Number: AMR 34/004/2010: <http://www.amnesty.org/en/library/info/AMR34/005/2010/es> and <http://www.amnesty.org/en/library/info/AMR34/004/2010/es>)

Carmen Mejía is an employee of the Association for the Integral Development of San Miguel Ixtahuacán (Asociación para el Desarrollo Integral de San Miguel Ixtahuacán, ADISMI). ADISMI was legally established in 1994. It is a development organisation representing families in Indigenous rural communities across San Miguel Ixtahuacán, and works on issues of rights to water, land, housing, freedom of expression, and cultural identity. ADISMI has been working on the issue of mining with members of 22 Indigenous communities. ADISMI was one of the principal organizations which requested the visit by the Special Rapporteur to San Miguel Ixtahuacán.

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